

EXHIBIT 4 - Emails between AUSAs regarding Curcio violations in Teman's & many SDNY cases with Biale

To: McEnany, John (USANYS) (b)(6) Shin, Won

(USANYS) (b)(6)

Cc: Mermelstein, Rebecca (USANYS) (b)(6)

Bhatia, Kedar (USANYS) (b)(6)

Subject: RE: (b)(5)

As a quick follow up to the email below, Sher Tremonte filed a letter on the docket this afternoon indicating that they were terminated as Teman's counsel, and that they will be filing a motion seeking leave to withdraw from the case shortly.

From: DiMase, Christopher (USANYS)

Sent: Tuesday, December 1, 2020 2:51 PM

To: McEnany, John (USANYS) (b)(6) Won S. .Shin

(b)(6)

Cc: Mermelstein, Rebecca (USANYS) (b)(6) Kedar

S .Bhatia (b)(6)

Subject: (b)(5)

John and Won:

We wanted to flag for you a (b)(5)

post-trial sentencing today before Judge Engelmayer in one of Kedar's cases, *United States v. Ari Teman*, 19 Cr. 696 (PAE).

Long after trial, and only about four weeks before today's sentencing, Teman retained additional lawyers to represent him in connection with the case, specifically, Noam Biale and Justine Harris at Sher Tremonte LLP. Early in the sentencing proceeding (the first since Sher Tremonte entered the case), Judge Engelmayer noted for the record his personal and professional relationship with Biale, and then went on to note that Biale was married to Margaret Graham. On the second point, Teman expressed surprise, causing the Court to inquire further as to Teman's position on that issue. Teman, who was apparently unaware of the relationship, then accused Biale of being a "spy on the team," said he would never waive any conflict, and said he would move to dismiss over this prosecutorial misconduct. Judge Engelmayer decided not to proceed with the sentencing, adjourned the case to conduct a *Curio* hearing, and directed the parties to submit a joint letter within 14 days with a proposed path forward. Judge Engelmayer specifically directed the Government to run its response by the Appeals Unit (b)(5)

(b)(5)

From: DiMase, Christopher (USANY) [REDACTED]
To: Bhatia, Kedar (USANY) [REDACTED]
Cc: Mermelstein, Rebecca (USANY) [REDACTED]
Subject: FW: [REDACTED]
Date: Wednesday, December 23, 2020 11:50:23 AM

See the question below from John.

From: McEnany, John (USANY) [REDACTED]
Sent: Wednesday, December 23, 2020 11:49 AM
To: DiMase, Christopher (USANY) [REDACTED]; Birger, Laura (USANY) [REDACTED]
Cc: Mermelstein, Rebecca (USANY) [REDACTED]; Shin, Won (USANY) [REDACTED]
Subject: RE: [REDACTED]

Is anybody still counsel of record for Teman?

From: DiMase, Christopher (USANY) [REDACTED]
Sent: Wednesday, December 23, 2020 11:44 AM
To: Birger, Laura (USANY) [REDACTED]; McEnany, John (USANY) [REDACTED]; Shin, Won (USANY) [REDACTED]
Cc: Mermelstein, Rebecca (USANY) <[REDACTED]@usa.doj.gov>
Subject: RE: [REDACTED]

Speaking of this issue, defendant Ari Teman just filed the attached letter in the case before Judge Engelmayer involving Sher Tremonte. The defendant copied Audrey on his email to Judge Engelmayer's chambers attaching the letter.

We will keep you posted on any response from the Court.

From: Birger, Laura (USANY) [REDACTED]
Sent: Wednesday, December 23, 2020 11:40 AM
To: Mermelstein, Rebecca (USANY) [REDACTED]; DiMase, Christopher (USANY) [REDACTED]; McEnany, John (USANY) [REDACTED]; Shin, Won (USANY) [REDACTED]
Subject: Fwd: [REDACTED]

Begin forwarded message:

From: "Birger, Laura (USANY)" [REDACTED]
Date: December 14, 2020 at 4:45:39 PM EST
To: "McEnany, John (USANY)" [REDACTED]
Cc: "Shin, Won (USANY)" [REDACTED]
Subject: Re: [REDACTED]

[REDACTED]

(b)(5)

On Dec 14, 2020, at 2:27 PM, McEnany, John (USANYS)

(b)(5) wrote:

(b)(5)

From: McEnany, John (USANYS)

Sent: Monday, December 14, 2020 11:09 AM

To: Mermelstein, Rebecca (USANYS) (b)(5)

Birger, Laura (USANYS) (b)(5)

Cc: DiMase, Christopher (USANYS) (b)(5) Shin, Won (USANYS) (b)(5)

Subject: RE: (b)(5)

(b)(5)

From: Mermelstein, Rebecca (USANYS) (b)(5)

Sent: Monday, December 14, 2020 10:36 AM

To: McEnany, John (USANYS) (b)(5) Birger, Laura (USANYS) (b)(5)

Cc: DiMase, Christopher (USANYS) (b)(5)

Subject: FW: (b)(5)

Laura and John,

(b)(5)

(b)(5)

LITG-2022-000004_0013

(b)(5)

Thanks!

Rebecca

From: McEnany, John (USANYS) (b)(5)

Sent: Tuesday, December 1, 2020 6:04 PM

To: DiMase, Christopher (USANYS) (b)(5) Shin, Won

(b)(5)

Thanks,

--Chris

Christopher J. DiMase

Assistant United States Attorney

United States Attorney's Office

Southern District of New York

Tel: (b)(6)

Fax: (212) 637-2429

(b)(6)

<Dear Judge Engelmayer.docx>